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12 ***Attorneys for Plaintiff and the Proposed Class***

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 SHYRIA HENDERSON, on behalf of
16 herself and all others similarly situated,

17 CASE NO. 3:13-cv-1845-JLS-BLM
18 **CLASS ACTION**

19 Plaintiff,

20 vs.

21 UNITED STUDENT AID FUNDS,
22 INC. D/B/A USA FUNDS,

23 **JOINT MOTION TO AMEND THE**
24 **AMENDED CASE MANAGEMENT**
25 **CONFERENCE ORDER (DKT. NO.**
26 **124)**

27 Defendant.

28 Hon. Magistrate Barbara L. Major

29 *Henderson v. United Student Aid Funds, Inc. d/b/a USA Funds, No. 13-cv-1845*
30 **JOINT MOTION TO AMEND THE AMENDED CASE MANAGEMENT CONFERENCE ORDER**
31 **(DKT. No. 124)**

PLAINTIFF'S POSITION

I. Introduction

Pursuant to the Chamber Rules of the Honorable Barbara Lynn Major, the parties hereby file a Joint Motion to Amend the Amended Case Management Conference Order [Dkt No. 124]. This Motion is accompanied by a declaration from Plaintiff's counsel of record detailing the steps taken to comply with the dates and deadlines set forth in the Amended Case Management Conference Order, and the specific reasons why the deadlines cannot be met. *See generally* Declaration of Alexis M. Wood in Support of Joint Motion to Amend the Amended Case Management Conference Order [Dkt No. 124] ("Wood Decl."). For the reasons stated herein, both parties respectfully request this Court to extend all deadlines by sixty (60) days as provided below.

A previous extension was granted on October 20, 2015, wherein this Court granted a joint request to extend the deadlines by one hundred and twenty (120) days in order for Plaintiff to continue the receipt of discovery from non-party vendors and file any necessary motions to compel in various jurisdictions. *See* Dkt. No. 124. The instant request for a brief sixty (60) day extension is so that Plaintiff may continue her receipt of discovery from non-party vendors and conduct the depositions of Defendant and non-party Navient Solutions, Inc. (“NSI”). Due to scheduling issues with respect to these depositions, they cannot be held until February 23, 2016 (NSI) and March 8, 2016 (Defendant). The sixty (60) days are necessary to conduct these depositions, receive the transcripts and finalize Plaintiff’s motion for class certification. The dates requested are as follows:

	Current Date	New Date
Deadline to File Motion for Class Certification	February 29, 2016	April 29, 2016
Expert Designations	February 29, 2016	April 29, 2016
Rebuttal Expert	March 29, 2016	May 27, 2016

1	Designations		
2	Exchange of Expert Reports	May 30, 2016	July 29, 2016
3	Rebuttal Expert Reports	June 28, 2016	August 29, 2016
4	Discovery Cutoff	August 24, 2016	October 24, 2016
5	Pretrial Motions Filing Deadline	September 20, 2016	November 21, 2016
6	Mandatory Settlement Conference (“MSC”)	June 8, 2016 at 9:30 a.m.	August 29, 2016 at 9:30 a.m.
7	MSC Briefs Due Date	May 30, 2016	July 29, 2016
8	Compliance with FRCP 25(a)(3)	December 29, 2016	February 27, 2017
9	Meet and Confer	January 5, 2017	March 6, 2017
10	Proposed Pretrial Conference Order	January 19, 2017	March 20, 2017
11	Pretrial Conference Date	January 26, 2017 at 1:30 p.m.	March 27, 2017 at 1:30 p.m.
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I. Procedural Background and Good Cause for Extension

As stated previously, on October 20, 2015, this Court granted the parties' Joint Motion to Amend the Amended Case Management Order (Dkt. No. 87). (Dkt. No. 124). The reason for this extension was primarily for Plaintiff to pursue discovery by way of the issuance of non-party subpoenas to the twenty-five (25) non-party vendors identified by Defendant as having relevant information initially requested to be produced (and granted by way of a motion to compel (Dkt. No. 103)) by Defendant. A more detailed procedural background regarding Plaintiff's diligence in pursuing the

1 information is provided in the previously filed Joint Motion to Amend the Amended
 2 Case Management Order (Dkt. No. 87). *See* Dkt. No. 122.

3 Since receipt of this Court's October 20, 2015 Order, Plaintiff has been diligent
 4 in the pursuit of necessary discovery from Defendant's twenty-five (25) non-party
 5 vendors. This has included various meet and confer conferences with counsel for all
 6 twenty-five (25) non-party vendors, opposing two motions to quash filed in the
 7 Northern District of Illinois (*see* Case No. 1:15-cv-07754) and the Southern District of
 8 Indiana (*see* Case No. 3:13-cv-1845)¹ and five motions to enforce subpoenas filed in the
 9 Southern District of Texas (*see* Case No. 4:15-mc-01378), the District of Massachusetts
 10 (Boston) (*see* Case No. 1:15-mc-91370-DJC and Case No. 1:15-mc-91375-FDS), the
 11 Northern District of Ohio (*see* Case No. 3:13-cv-1845 JLS BLM) and the District of
 12 New Hampshire (see Case No. 1:16-mc-00010). *See* Wood Decl., ¶ 2.

13 On December 21, 2015, Plaintiff served Plaintiff's Notice of Deposition of
 14 Defendant's Fed. R. Civ. Proc. 30(b) witness. *See* Wood Decl., ¶ 3. Plaintiff noticed
 15 the deposition for January 28, 2016. *Id.* On December 21, 2015, Plaintiff also issued,
 16 and thereafter served, a Subpoena for Navient Solutions, Inc. to Testify at a Deposition.
 17 *See* Wood Decl., ¶ 4. This deposition was noticed for February 4, 2016. *Id.* Plaintiff's
 18 counsel intended for the depositions to take place after receipt of discovery from all
 19 non-party vendors and after rulings from the various jurisdictions in which motions
 20 regarding Plaintiff's subpoenas were pending. *See* Wood Decl., ¶ 5. It was also
 21 anticipated by Plaintiff's counsel for the depositions to take place with sufficient time to
 22 receive transcripts and finalize Plaintiff's motion for class certification. *Id.*

23 However, the witnesses were not available on the noticed dates, and the parties
 24 then negotiated a new schedule. *See* Wood Decl., ¶ 6. The parties took into account the
 25 availability of the witnesses, the counsel involved and the necessary travel; both of the
 26
 27

28¹ The matter was subsequently transferred to the Southern District of California (see
 Case No. 3:15-cv-022-JLS-BLM).

1 depositions will take place in Indiana. Thus, Plaintiff's counsel has confirmed
2 availability for February 23 and March 8 for the two depositions to take place. *Id.*

3 The sixty (60) day extension is necessary in order to provide time for the parties
4 to conduct the depositions, receive the transcripts and finalize Plaintiff's motion for
5 class certification. Additionally, the time is requested so that, if necessary, Plaintiff has
6 sufficient time to serve any necessary follow up discovery after conducting the
7 depositions.

8 **DEFENDANT'S POSITION**

9 Defendant agrees an extension is necessary and joins in the relief requested.

10 Dated: February 9, 2016

11 By: /s/ Alexis M. Wood

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18 *Attorneys for Plaintiff and the Proposed Class*

19 Dated: February 9, 2016

20 By: /s/ Lisa M. Simonetti
21 **VEDDER PRICE (CA), LLP**
22 LISA M. SIMONETTI
23 1925 Century Park East, Suite 1900
24 Telephone: (424) 204-7738

25 *Attorneys for Defendant*

CERTIFICATION OF APPROVAL OF CONTENT

I, Alexis M. Wood, counsel for Plaintiff, in the above-entitled matter, hereby certify that the required parties have approved and accepted the content of the Joint Motion to Amend the Amended Case Management Conference Order, and that I have obtained authorization from Lisa Simonetti, counsel for Defendant, for their electronic signature.

Dated: February 9, 2016

LAW OFFICES OF RONALD A. MARRON
By: /s/ Alexis M. Wood
ALEXIS M. WOOD
Attorney for Plaintiff and the Proposed Class